

**TOWN OF VERNON
Planning & Zoning Commission (PZC)
Draft Minutes- Meeting Notice
Thursday, November 18, 2010, 7:30 PM
Council Chambers, Third Floor
Memorial Building
14 Park Place
Rockville/Vernon, CT**

RECEIVED
VERNON TOWN CLERK
10 DEC - 1 AM 11:25

1. Call to Order & Roll Call

- Meeting was called to order at 7:34 P.M.
- **Regular Members Present:** Lester Finkle, Chester Morgan, Walter Mealy, Francis Kaplan, Watson Bellows and Charles Bardes.
- **Alternate Members Present:** Stanley Cohen. Stanley Cohen to sit for Sarah Iacobello.
- **Staff Present:** Leonard Tundermann, Town Planner
- **Recording Secretary:** James Krupienski

2. Administrative Actions/ Requests

2.1 Communications received NOT related to Agenda items

- **Connecticut Town & City, October 2010 Newsletter.**
- **New Release from the Friends of Hockanum River Linear Park of Vernon Inc regarding Grant award to develop LID Regulations for Tankerhoosen Watershed Protections.**

2.2 Amendment / Adoption of Agenda - Additional business to be considered under agenda item #6 "Other Business"

- **Watson Bellows requested Item 5.1.2 – Discussion of LID development.**
- **Chester Morgan, seconded by Walter Mealy moved a Motion to Adopt the Agenda as Amended. Motion carried unanimously.**

2.3 Acceptance of Minutes

- **Approval of the November 4, 2010 minutes moved to the December 2, 2010 meeting.**

3. Public Hearings

3.1 Continued Hearing for Application [PZ-2010-18] of Tina Zajac/Lots and More for a Special Permit for outside display of retail products occupying an area greater than ten (10) percent of gross floor area of the business at #48 Windsor Avenue (Assessor's ID: Map #22, Block #0030, Lot/Parcel #00042.

- **Leonard Tundermann, Town Planner indicated three (3) letters were supplied to the commission;**
 - **Letter of Janet P. McKone, dated April 7, 2008;**
 - **Letter of Eileen DeVille, dated November 16, 2010;**
 - **Email of Carlos Grillo, dated November 18, 2010.**
- **Leonard Tundermann, Town Planner reviewed issues since the occupancy of the building by the applicant, by surrounding neighbors.**
- **Katie Marek, representing Lots & More:**
 - **Spoke to hours of operations and delivery of materials;**

- Installed approved buffers/fencing based on approved site plans;
- Spoke to lack of required Special Permit approval;
- Spoke to on-site storage issues;
- Walter Mealy requested discussion focus on outdoor display of retail product.
- Public Testimony
 - Roseanne Bill, 272 Carpenter Road, Coventry on behalf of family:
 - Pallet were removed in October;
 - Listed dates of afterhours impact to the neighborhood;
 - Believes the applicant was responsible for determining required approvals;
 - Requested denial of proposed Special Permit;
 - Not compatible with the surrounding neighborhood;
 - Creates a nuisance;
 - Margaret Bill, representing mother on Burke Road:
 - Stated pallet photo was camera date stamped on October 16, 2010;
 - Spoke to height of mulch bins on the site.
- Public Testimony closed at 8:00 P.M.
- Leonard Tundermann, Town Planner suggested updated Business Plan and increased Landscaping Plans to buffer the surrounding neighbors.
 - Outlined suggested information relative to the operation of the business.
- Katie Marek indicated that she would supply after consulting with Ms. Zajac.
- Charles Bardes questioned how violations of the Business Plan could be enforced.
- Leonard Tundermann, Town Planner indicated that the Zoning Enforcement Officer would be able to commence actions up to a cease and desist order.
- Public Hearing was closed at 8:08 P.M.
- Chester Morgan, seconded by Walter Mealy moved a Motion to Deny the Application for Special Permit.
 - Chester Morgan stated the reasons for denial;
 - 17.3.1.2 – Shall be compatible with neighboring uses;
 - 17.3.1.3 – Shall not cause a nuisance;
 - Notice of Zoning Violation, dated August 29, 2010 – 4.9.4.1.5.9 – Outdoor Display Areas.
 - Walter Mealy concurred with prior speaker
- Motion carried unanimously. 7-0

3.2 Continued Hearing for Application [PZ-2010-19] of Joel Stavens for a three lot (3) Resubdivision at #306, 310 & 320 Lake Street (Assessor's ID: Map #14, Block #143, Lot/Parcel # 39C, & 38C)

- Eric Peterson, Gardner & Peterson Associates, Tolland, representing the applicant:
 - Memorandum from the Conservation Commission was read into the record regarding Open Space dedications.
 - Resubdivision to create conforming lots based on modifying street frontage;
 - Shared driveway proposed for #310 & #320 based on Vernon Driveway Designs;
 - Received approvals from North Central District Health Department, Inland Wetlands Commission & Conservation Commission;
 - Requesting waiver of sidewalks;
 - Would accept Option 2 of the Conservation Commission comments;
- Watson Bellows questioned ownership of "Old Town Road" adjacent to the properties;
- Eric Peterson indicated that the deeds indicate unknown ownership.

- Discussion took place regarding ownership of the existing “Old Town Road”;
- Staff indicated they would have the Town Attorney review for ownership.
- **Staff Input:**
 - Leonard Tundermann, Town Planner questioned proximity of sewer line to adjacent well.
 - Eric Peterson indicated the proposed location was modified to meet the requirements.
 - Leonard Tundermann, Town Planner:
 - Inland Wetlands Commission issued wetlands permit;
 - Supports waiver of sidewalk request;
 - Supports 20% Open Space dedication;
- Watson Bellows suggested a Conservation Easement be placed on the property for management.
- Chester Morgan requested Staff review for ownership of “Old Town Road” for possible foreclosure and subsequent sale of the land.
- **Public Testimony:**
 - None
 - Public Testimony was closed at 8:32 P.M.
 - Public Hearing was closed at 8:33 P.M.
- Leonard Tundermann, Town Planner reviewed supplied Draft Motion to Approve.
- Chester Morgan, seconded by Francis Kaplan moved a motion to waive the requirement of sidewalks. Motion carried unanimously.
- Watson Bellows, seconded by Francis Kaplan moved a Motion to Approve the Application as presented. Motion carried unanimously.

3.3 Continued Hearing for Application [PZ-2010-20] of DHD, LLC for a Site Plan of Development and a Special Permit to create a 2 family dwelling at 19 Bellevue Avenue (Assessor’s ID: Map #22, Block #0038, Lot/Parcel #00037)

- Eric Peterson, Gardner & Peterson Associates, Tolland, representing the applicant:
 - Located in a Aquifer Protection Zone;
 - No wetlands on the proposed site;
 - Received variances from Zoning Board of Appeals;
 - No permitted uses in the zone. Special Permits required.
 - Special Permit for Two-Family House;
 - Special Permit in an Aquifer Protection Zone;
 - Meets all requirements of Zoning Regulations of the PRD Zone;
 - Roof water to underground collection system for infiltration;
 - Surrounded by Single and multi-family homes;
- Watson Bellows questioned the need for a variance and the ability to build a single family structure without a variance.
- Eric Peterson indicated that a structure could not meet existing setbacks without a variance.
- Walter Mealy questioned comments of the Fire Marshal relative to termination of roadway for vehicular turn-around.
- Leonard Tundermann, Town Planner indicated that the driveway was narrowed and an additional snow-shelf storage area was created.
- **Staff Input:**
 - Leonard Tundermann, Town Planner:

- Adjacent uses single & multi-family;
- Comply with existing zoning requirements;
- Commission needs to find compliance with Special Permit criteria, 17.3;
- Design Review Commission approved Architectural designs.
- Eric Peterson requested waiver of sidewalk requirement.
- **Public Testimony:**
 - None
- Public Testimony was closed to 8:55 P.M.
- Discussion took place regarding ownership requirements outlined in the Plan of Conservation & Development (POCD) 2001.
- Public Hearing was closed at 9:07 P.M.
- Chester Morgan, seconded by Stanley Cohen moved a Motion to waive sidewalks. Motion carried unanimously.
- Chester Morgan, seconded by Francis Kaplan moved a Motion to Approved the Application and compliance with Special Permit criteria.
 - Chester Morgan indicated compatibility with surrounding neighborhood.
- Motion carried. 6-1, Commissioner Bellows opposed.

3.4 Continued Hearing for Application [PZ-2010-21] of DHD, LLC for a Site Plan of Development and a Special Permit to create a 2 family dwelling south of #19 Bellevue Avenue (Assessor's ID: Map #22, Block #0038, Lot/Parcel #00037A)

- Eric Peterson, Gardner & Peterson Associates, Tolland, representing the applicant:
 - Located in a Aquifer Protection Zone;
 - No wetlands on the proposed site;
 - Received variances from Zoning Board of Appeals;
 - No permitted uses in the zone. Special Permits required.
 - Special Permit for Two-Family House;
 - Special Permit in an Aquifer Protection Zone;
 - Meets all requirements of Zoning Regulations of the PRD Zone;
 - Roof water to underground collection system for infiltration;
 - Surrounded by Single and multi-family homes;
 - No garage structures proposed on site.
- Watson Bellows questioned the need for a variance and the ability to build a single family structure without a variance.
- Eric Peterson indicated that a structure could not meet existing setbacks without a variance.
- Walter Mealy questioned comments of the Fire Marshal relative to termination of roadway for vehicular turn-around.
- Leonard Tundermann, Town Planner indicated that the driveway was narrowed and an additional snow-shelf storage area was created.
- **Staff Input:**
- Leonard Tundermann, Town Planner:
 - Adjacent uses single & multi-family;
 - Comply with existing zoning requirements;
 - Commission needs to find compliance with Special Permit criteria, 17.3;
 - Design Review Commission approved the Architectural designs.
- Eric Peterson requested waiver of sidewalk requirement.
- **Public Testimony:**

- None
- **Public Testimony was closed to 9:16 P.M.**
- **Public Hearing was closed at 9:17 P.M.**
- **Francis Kaplan, seconded by Stanley Cohen moved a Motion to waive sidewalks. Motion carried unanimously.**
- **Chester Morgan, seconded by Francis Kaplan moved a Motion to Approved the Application and compliance with Special Permit criteria.**
 - **Chester Morgan indicated compatibility with surrounding neighborhood and Special Permit Criteria.**
- **Motion carried. 6-1, Commissioner Bellows opposed.**
- **Recess at 9:19 P.M.**
- **Meeting reconvened at 9:30 P.M.**

4. Old Business

4.1 Plan of Conservation and Development

- **Have received 322 responses to the phone survey as of Tuesday November 16th;**
- **Subcommittee is working on the final model of the report;**
- **Survey results will be presented at a Special meeting on December 12, 2010**

4.2 Bylaws

- **Still waiting on review by the Town Attorney. Comments should be received by December 2, 2010.**

5. New Business.

5.1 Receipt of Applications:

5.1.1 Application [PZ-2010-24] of Capstone Builders, Inc. for a 16 Lot Single-Family, Residential Resubdivision at #110 Grier Road (Northwesterly site of Bolton Branch Road) and (East Side of Cubles Road (Assessor's ID: Map #52, Block #140, Lot/Parcel #42)

- **Commission has received two (2) proposed layout based on Open Space dedications.**
- **Requires Public Hearing due to re-subdivision.**
- **Commission requested Town Attorney to discuss with the commission the application process regarding intervenor status and determination.**
- **Chester Morgan, seconded by Walter Mealy moved a Motion to Receive and Schedule a Special Meeting/Public Hearing on January 13, 2011. Motion carried unanimously.**

5.1.2 Discussion of LID (Low Impact Development) Regulations.

- **Grant funding has been approved for development of regulations.**
- **Staff will assist as in-kind services for the grant.**
- **Proposed regulations should be available for Public Hearing by the commission during September, 2011.**

6. Other Business

6.1 Additional business to be considered should be introduced under PZC meeting agenda item "#2.2 Amendment / Adoption of Agenda" at the beginning of the meeting.

7. Adjournment.

- **Stanley Cohen, seconded by Charles Bardes moved a Motion to Adjourn. Motion carried unanimously.**
- **Meeting adjourned at 9:47 P.M.**

James Krupinski
Recording Secretary